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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,005	09/18/2006	Alexander Johannes Jozef Bos	NL040303US1	3093

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EXAMINER	
TEKLE, DANIEL T	
ART UNIT	PAPER NUMBER
2481	

NOTIFICATION DATE	DELIVERY MODE
06/08/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/599,005	BOS, ALEXANDER JOHANNES JOZEF	
	Examiner	Art Unit	
	DANIEL TEKLE	2481	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 September 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 September 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Ueki (US 2002/0027839) and further in view of Bruls (US 2002/0012530) and Ellis et al. (US 2006/0140584).

1. In regard to claim 1: Ueki teaches **a method of recording multiple sets of broadcasted media** (multiple signal recording apparatus 110…with broadcast reception antenna 141 –paragraph 0358, fig. 17) **data streams and programs on at least one non-transitory data carrier** (Fig. 2 –optical disc 13)**, comprising the steps of: a) receiving in a receiver said multiple sets of broadcasted media data streams** (multiple signal recording apparatus 110…with broadcast reception antenna 141 – paragraph 0358, fig. 17)**;** however Ueki fail to explicitly teach, but Ellis teaches et al. **programs over one or more data channels at different transmission frequencies** (…channels record option 1006….-paragraph -0222, Fig. 10, …series recording option..-Fig. 10)**, b) manually programming one or more program timers indirectly**

via an EPG or directly for recording certain selected media data streams (...manual recording.....-paragraph 0039; ... program guide information... -paragraph 0159...- series recording option..-Fig. 10);

It would have been obvious to one ordinary skill in the art at the time of the invention was made to combine the teaching of Ellis into Ueki invention in order to recording AV data using an interactive program guide information; as a result, it simplifies user recording audio/video data by tuning interactive program guide channels compare to a non-interactive program guides.

Further Ueki teaches **programs from among the received multiple sets of broadcasted media data streams and programs to be recorded on the at least one data carrier in a timed recording sequence** (multiple signal recording apparatus 110...with broadcast reception antenna 141 –paragraph 0358, fig. 17..... Fig. 2 –optical disc 13), further Ellis teaches **c) reading the settings of the one or more programmed program timers including the start and end time of each selected data stream and program** (...reading and recording based on series recording setup options...paragraph 0223).

In addition Ueki and Ellis fail to explicitly teach, but Bruls teaches **d, calculating the total recording length of all selected data streams and programs from the settings of the one or more program timers**(....setting a start and end time of a program or the duration of the program; the system controller calculates from this information the data space available for the encoded signal and sets the bit rate via the control input 26...- paragraph 0022), **e, determining the available recording space**

on the at least one data carrier for all unrecorded selected data streams and programs of the timed recording sequence (the available data space is divided by the required duration, which duration is derived from the time information presented through the time input...- paragraph 0002, 0022), **f, setting the determined recording quality for all of said unrecorded selected data streams and programs in the timed recording sequence so as to enable all of said unrecorded selected data streams and programs to be fitted to the available space** (...recording complex and less complex program according to user setting; program are set to fill available data space...- paragraph 0022), **g, recording data comprising one of said selected data streams and programs with the set recording quality** (recording selected stream according complex and less complex program...- paragraph 0005 and 0010), **h, checking to determine if there are more unrecorded selected data streams and programs to be recorded** (...the remaining data space is determined by the system controller on the basis of the information from the data space input 27...-paragraph 0022), **and i, repeating the steps (e)-(h) for each set of unrecorded data, until all unrecorded selected data streams and programs have been recorded** (...the remaining data space is determined by the system controller.... -paragraph 0001-0005 and paragraph 0022).

It would have been obvious to one ordinary skill in the art at the time of the invention was made to combine the teaching of Bruls into Ueki and Ellis invention in order to record the total number of data to fit in an available data space. As a result all data are recorded with out losing any due to a short of memory.

2. In regard to claim 2, Ueki, Ellis and Bruls teaches a Method according to claim I, further Bruls teaches wherein **the program information concerning one set of data comprises a fixed recording quality** (the data space available for storage on the disc is filled by attuning the bitrate of the coded video program to the available data space to achieve a high average picture quality…- paragraph 0005), **and the step of setting a recording quality comprises setting the fixed recording quality to said one set of data and setting a recording quality for the other sets of data such that said other sets of data can be fitted to the available space** (In the event of video material with a lot of activity, the applied settings will often result in a higher actual bit rate than the target bit rate. The compression settings will then be adjusted…- paragraph 0005).

3. In regard to claim 3, Ueki, Ellis and Bruls teaches **a Method according to claim 1, further** Bruls teaches **comprising the steps of reading program information regarding another set of data not provided in the timed recording sequence, determining whether the new set of data can be included in the timed recording sequence at least with the lowest possible recording quality, and, if possible, including the added set of data in the sequence** (In the event of video material with a lot of activity, the applied settings will often result in a higher actual bitrate than the target bitrate. The compression settings will then be adjusted…- paragraph 0005; …the program complexity will be used to control the settings of the compression unit, so as to set a higher compression for a more complex program. If modified information relating to an altered duration of the program or to a modified available data space is applied to the system controller during the encoding process, the system controller will compute a

new value for the bit rate and set same…- paragraph 0022).

4. In regard to claim 4, Ueki, Ellis and Bruls teaches **a Method according to claim 1, further** Bruls teaches **comprising the steps of identifying a manual recording of a set of data on the at least one data carrier, determining whether unrecorded sets of data in the timed recording sequence can be recorded with at least the lowest possible recording quality on the at least one data carrier when the manual recording has ended and changing the recording quality, if possible and necessary** (See the discussion in regarding claim 2-3…..a starting and ending program to be set by a user… paragraph 0022).

5. In regard to claim 5, Ueki, Ellis and Bruls teaches **a method according to claim 1,** further Bruls teaches **wherein the available recording space is determined by a start marker and an end marker related to the at least one data carrier** (a starting and ending program to be set by a user…- paragraph 0022).

6. In regard to claim 6, Ueki, Ellis and Bruls teaches a Method according to claim 5, wherein the start marker is a positional pointer and the end marker is an end of carrier marker **(paragraph 0022: a starting and ending program to be set by a user)**.

7. In regard to claim 7, Ueki, Ellis and Bruls teaches **a method according to claim 5,** further Bruls teaches **wherein the start and end markers are user defined start and end markers** (a starting and ending program to be set by a user…. paragraph 0022).

8. In regard to claim 8, Ueki, Ellis and Bruls teaches **a method according to claim 5, further** Bruls teaches **comprising the step of changing the available recording**

space by moving the start marker (…the program complexity will be used to control the settings of the compression unit, so as to set a higher compression for a more complex program. If modified information relating to an altered duration of the program or to a modified available data space is applied to the system controller during the encoding process, the system controller will compute a new value for the bit rate and set same…- paragraph 0022).

9. In regard to claim 9, Ueki, Ellis and Bruls teaches **a method according to claim 1, further** Bruls teaches **comprising the steps of detecting the removal of program information relating to a set of data and repeating the steps of determining, setting and recording for each set of unrecorded data for the remaining unrecorded sets of data after said removal** (…the program complexity will be used to control the settings of the compression unit, so as to set a higher compression for a more complex program. If modified information relating to an altered duration of the program or to a modified available data space is applied to the system controller during the encoding process, the system controller will compute a new value for the bit rate and set same…- paragraph 0022).

10. In regard to claim 10, Ueki, Ellis and Bruls teaches **a Method according to claim 1,** further Bruls teaches **wherein the recording space of the at least one data carrier where the timed recording sequence is to be stored comprises at least one protected area splitting said available recording space into fragments, wherein the step of setting a recording quality comprises adjusting the recording quality for unrecorded sets of data to fit into the fragments and further comprises the**

step of selecting unrecorded sets of data for storage in fragments having a large enough size (By taking the complexity into account it will be prevented that when encoding a complex program the first part uses more than half of the available bits, while the second part needs to be compressed heavily to fit in the remaining data space; while for less than average complex material the opposite (a first part unnecessarily compressed and the second part having abundant space available) is prevented and paragraph 0022: a starting and ending program to be set by a user..- paragraph 0010).

11-21. In regard to claim 11-21, Claims 11-21 reject for the same reason to claims 1-10 respectively as discussed above. Further Bruls teaches regarding the claim limitation **recorder, storage medium, program timer , controller unit** (reading/writing head 42, storage medium 9, time input information 24, system controller 45…- paragraph 0024, fig. 4).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 8:00am to 4:30pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter-Anthony Pappas can be reached on 571-272-7646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel Tekle/
Examiner, Art Unit 2481

/Peter-Anthony Pappas/
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